



## **AMENDED - Clause 4.6 Variation – Height of Buildings**

### **Proposed Warehouse & Distribution Facility (Data Centre)**

42B Bluett Drive, Smeaton Grange  
(Lot 4332 in DP 1194022)

Prepared by Willowtree Planning Pty Ltd on behalf of  
ARUP

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### 1. INTRODUCTION

This **Clause 4.6** Variation request has been prepared in support of a Development Application (DA) for the proposed construction of a Warehouse and Distribution Facility (Data Centre) at 42B Bluett Drive, Smeaton Grange (Lot 4332 in DP 1194022).

The **Clause 4.6** Variation has been submitted to address the proposed non-compliance with the Height of Buildings Development Standard (**Clause 4.3**) for the proposed Warehouse and Distribution Facility (Data Centre), consistent with the requirements of *Camden Local Environmental Plan 2010* (CLEP 2010) which provides the following aims and objectives:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.*
- (b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to minimise the adverse impact of the development on heritage conservation areas and heritage items.*

In summary, the following variation is proposed:

Clause	Control	Proposed Development	Variation
<b>4.3 Height of Buildings</b>	11m	20.85	9.85m

In accordance with **Clause 4.6** of the CLEP 2010, Council is required to consider the following:

*Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

This request has been prepared in accordance with the aims and objectives contained within Clause 4.6 and the relevant development standards.

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## **2. THE STANDARDS BEING OBJECTED TO**

### **2.1 CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE CAMDEN LOCAL ENVIRONMENTAL PLAN 2010**

The development standard being requested to be varied is **Clause 4.3 (Height of Buildings)** of CLEP 2010 which provides the following.

#### ***4.3 Height of Buildings***

*(1) The objectives of this clause are as follows:*

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to minimise the adverse impact of development on heritage items,*

*(2) The height of a building on any land is not to exceed the maximum height shown for land on the Height of Buildings Map.*

Pursuant to **Clause 4.6**, the proposed development seeks exception to the 11m building height standard as identified in the Height of Building Maps.

### **2.2 THE OBJECTIVES/UNDERLYING PURPOSE OF THE CLAUSE**

A key determination of the appropriateness of a variation to a development standard is the proposal's compliance with the underlying objectives of the standard. Therefore, while there is a specified numerical control for building height, the objectives and underlying intent of the development standard are fundamental criteria for consideration in the development assessment process.

**Section 3** of this **Clause 4.6** Variation addresses the proposed variation to the **Clause 4.3** development standard.

### **2.3 PROPOSED VARIATION TO STANDARDS**

The proposed development seeks consent for the construction of a Warehouse and Distribution Facility (Data Centre). The proposed development exhibits a maximum height of 20.85m which results in a breach of 9.85m under **Clause 4.3** CLEP 2010. This breach pertains to sustainable and economic functioning of the Warehouse and Distribution Facility (Data Centre), which is driven by two primary factors, being acoustics and air quality.

The breach in building height is necessary in order to contain all associated plant and equipment within the building envelope. The highest elements of the built form are the air exhaust doghouses which run the full length of the building. The height of these elements are driven primarily by the strict noise emission requirements across the subject Site. The location of residential allotments within close proximity to the Site requires a significant level of noise attenuation to the air exhausts. This attenuation requires building volume and increased height which is reflected in the increased height of the dog houses. Ultimately, the increase in building height will assist in the mitigation of noise impact on noise sensitive receivers.

Further, the additional building height will assist in achieving air intake to allow for the cooling of the overall facility. The data centre operator utilises full outside air cooling as standard in a majority of its facilities across the globe thereby reducing the overall energy consumption of the data centre when compared to traditional data centres. Chilled water plant is only used to provide trimming of ambient

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conditions under extreme scenarios. The provision of cooling from outside air requires an increase in floor to floor height in order to accommodate the large volume of air required and appropriate plant and equipment. Not only will this improve internal amenity, but will ultimately ensure improved environmental outcomes including the reduction in energy consumption and overall environmental sustainability. In addition, increasing the building height to achieve these favourable amenity outcomes reduces overall Site coverage, creating a less intrusive built form allowing for increased building separation, when compared to a compliant building height.

Further, the design outcome of the proposed development is of a similar nature as to that of adjoining developments. The proposed built form is purpose built to accommodate world's best data centre and environmental design solutions, whereas, the adjoining development was designed as a generic shed, which was then amended to house a data centre. However, despite the height variations, the proximity of the two developments to one another allows the two data centres to co-locate, servicing the immediate industrial precinct and the broader growth centre.

Overall, the proposed breach does not give rise to any amenity impacts to adjoining properties.

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### 3 PROPOSED VARIATION TO CLAUSE 4.3 HEIGHT OF BUILDINGS

Pursuant to **Clause 4.6** of CLEP 2010, exemption to the 11m building height standard applicable pursuant to **Clause 4.3** of CLEP 2010. **Clause 4.6(4)(ii)** requires that such a request to vary a development standard must establish that the proposed contravention is consistent with the objectives of the standard and the zone.

#### 3.1 OBJECTIVES OF THE STANDARD

The objectives of the standard as stated in the CLEP 2010 are:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*

The subject proposal relates to the construction of a Warehouse and Distribution Facility (Data Centre) which achieves a maximum height of 20.85m. The existing character within the locality comprises of industrial developments of a similar scale to that of the Site, and undeveloped parcels of land to be developed for the purpose of light industrial land uses.

The proposed built form is purpose built to accommodate world's best data centre and environmental design solutions, whereas, the adjoining development was designed as a generic shed, which was then amended to house a data centre. Regardless, it is considered the proposed built form is consistent and compatible with the existing and desired character of the locality.

The proposal is seeking a variation to the stipulated height control and accordingly will not substantially alter the existing character of the locality. The proposal furthermore will not create an inappropriate transition between the existing character of the area and any nearby localities, and accordingly, it is considered highly unnecessary to adhere to a lower building height, that will ultimately impact on both the functionality of the data centre, and the amenity of sensitive land uses within proximity of the Site.

- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

The proposed warehouse will seamlessly integrate with surrounding development and the wider industrial area. The proposed development is to be located centrally within the subject Site and therefore will be setback a significant distance from Bluett Drive street frontages. Land adjoining this portion of the Site consists of industrial development to the west, and undeveloped land to the east, which has been earmarked for future industrial development.

Given the proposed development will be significantly setback from the street, and the immediate context, it is considered that the proposed additional building height of 9.85m of height above the 11m height of buildings development standard, will not cause undue visual or amenity impacts when viewed from the public domain and/or adjoining property.

In addition, the Site is surrounded by existing warehouses exhibiting a similar character and therefore the proposed development will be in no way visually intrusive but rather will integrate with surrounding development. Further, the Site is separated from residential areas and therefore will not be visible from surrounding residential areas. Given the significant separation and buffering of the subject Site from sensitive land uses no adverse visual or amenity impact will arise. Specifically, the proposed development will not cause any view loss, privacy intrusion or overshadowing to the public domain or any residential land uses. In particular, increasing the building height, in order to achieve these favourable amenity outcomes across the Site reduces overall Site coverage, creating a less intrusive built form allowing for increased building separation, when compared to a compliant building height.

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Furthermore, the proposed variation will allow for all plant and equipment to be internalised within the building envelope. This will ultimately result in an improved visual outcome, and will minimise acoustic impact on residential land.

(c) *to minimise the adverse impact of development on heritage items,*

The Site is not identified as an item of heritage significance, nor is it located within a Heritage Conservation Area or in the vicinity of any items of heritage significance. The height of the proposal therefore will not have any adverse impacts on the heritage significance of any heritage items.

### 3.2 OBJECTIVES OF THE ZONE

The proposal is consistent with the IN1 zone objectives in that:

- *To provide a wide range of light industrial, warehouse and related land uses.*

The proposal seeks consent for the construction of a Warehouse and Distribution Facility (Data Centre). It is considered that the proposed breach in building height will not inhibit the goal of this objective, but rather will enable a development which seeks to expand on the light industrial and warehouse related uses currently being undertaken within the immediate surroundings. The proposed breach in height furthermore will not inhibit surrounding land in achieving this objective.

The proposed warehouse retains an industrial land use that is consistent with the IN1 zoning and the established character of the area. Moreover, the development forms a key stage in the creation of the Iron Bark Industrial Estate. Further, the proposed built form responds to the needs of the future tenant and is capable of accommodating a range of warehousing and distribution operations.

- *To encourage employment opportunities and to support the viability of centres.*

The proposal seeks consent for the construction of a Warehouse and Distribution Facility (Data Centre). The proposed development will serve to increase the capacity of the warehouse, which acts to support employment opportunity and stability within the Iron Bark Industrial Estate. It is anticipated that there will be a maximum of 10 staff on the Site at any one time. The proposed breach in building height will not inhibit the goal of this objective, but rather enable it to be achieved.

- *To minimise any adverse effect of industry on other land uses.*

The proposed development is situated within the context of the Iron Bark Industrial Estate, which comprises of industrial developments consisting of light industrial related land uses. The proposed development will be contained within the Site and accordingly will not result in undue impacts on other land uses within the locality. Industrial facilities adjacent to the Site exhibit a similar scale, therefore the proposed development is consistent with the existing height and scale of surrounding development, providing a positive visual outcome.

Further, the Site is located to the nearest residential development by a distance of 250m. Accordingly, the increased massing of the built form is a function of the attenuation requirements for the standby generators to mitigate noise sensitive receivers.

- *To support and protect industrial land for industrial uses.*

The proposal seeks consent for the construction of a Warehouse and Distribution Facility (Data Centre). The proposal serves to enable the growth and development of the future use of the Site, through

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enabling greater capacity and more efficient operations. Accordingly, the proposal supports and maintains the ongoing use of the Site for light industrial uses.

- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

The proposal seeks the construction of a Warehouse and Distribution Facility (Data Centre). The proposed development and operations of the Site will provide significant employment generation and therefore will support the local population and workforce through the provision of employment.

- *To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.*

The proposed development does not relate to any non-industrial land uses.

### 3.3 ESTABLISHING IF THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY

Compliance with this standard would be unreasonable given the desired industrial character of the Site and furthermore given the proposed height achieves the optimal design outcome for the operation of the future tenant. The increased building height allows for all plant and equipment to be contained within the building envelope, whilst providing allowing for adequate air intake for the cooling of the facility. The proposed building height departure will have no undue material impact on the streetscape or surrounding Site and is consistent with the existing and desired character of the area.

The proposed exhibits a building height of 20.85m, 9.85m above the prescribed maximum building height. The proposed built form is purpose built to accommodate world's best data centre and environmental design solutions, whereas, the adjoining development was designed as a generic shed, which was then amended to house a data centre. Accordingly, the proposal seeks to maintain a consistent character with the adjoining development in order to enable a complementary built form across the Site, and industrial precinct. Consequently, the proposed development is considered to be highly compatible with the established character of the Site and its surrounds in terms of built form and land use.

Furthermore, the built form proposed for the Site clearly demonstrates the feasibility of developing the Site in accordance with relevant environmental planning framework and providing a high quality desirable development on the Site whilst preserving neighbouring amenity. The proposed development is consistent with the controls of CLEP 2010 and significantly increase the efficiency, functionality and useability of the Site whilst not resulting in undue environmental impacts.

It is considered that the **Clause 4.6** Variation is well founded in this case for the following reasons:

- The proposed development is consistent with the existing and desired character of the Site and the surrounding area. The industrial land use character will not be impeded nor will the ability for such development to be carried out. Overall, the Site provides additional employment lands, and improves the functionality of the Site.
- The proposed breach in height will enable an optimal design outcome for the Site in facilitating the proposed data centre, which will serve to create a visually coherent built form outcome, with all plant and equipment contained within the building envelope.
- Further, the additional building height will assist in achieving air intake to allow for the cooling of the overall facility. The data centre operator utilizes full outside air cooling as standard in a



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majority of its facilities across the globe thereby reducing the overall energy consumption of the data centre when compared to traditional data centres. Chill water plant is only used to provide trimming of ambient conditions under extreme scenarios. The provision of cooling from outside air requires an increase in floor to floor height in order to accommodate the large volume of air required and appropriate air and appropriate plant and equipment. Not only will this improve internal amenity, but will ultimately ensure improved environmental outcomes including the reduction in energy consumption and overall sustainability.

- The increased massing of the built form is also a function of the attenuation requirements for standby generators, to mitigate noise impact on noise sensitive receivers. The required attenuation measures requires building volume and increased height, which is reflected in the increased building height.
- The development will significantly enhance the industrial viability of the Site through supporting the growth and development of the business operating within the Site, which will serve the needs of the community through the provision of stable employment opportunities and economic investment. This is achieved through the provision of additional capacity which will contribute to the ongoing success of the business as it seeks to respond to increasing demand.
- The proposal is compatible with surrounding development and the environmental planning framework in terms of visual appearance, scale, design and land use. In this respect, it will not be highly visible and represents a suitable transition from the front to the rear of the Site.
- The proposed built form responds to the current user requirements and is consistent with the products being offered by competing IN1 zoned locations throughout Smeaton Grange, Camden Local Government Area and metropolitan Sydney.
- The proposal will support the continued role of industry in South Western Sydney.
- The proposed variation to the building height will minimise the overall Site coverage of the building envelope. This will result in a less intrusive design outcome compared to a compliant building height with a larger, more intrusive building footprint.
- The variation is necessary to ensure the operational and functional capacity of the facility is achieved through accommodating the data racks and associated plans, and to ensure adequate ventilation is achieved across the Site.

### 3.4 SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD

The variation to the development standard for height of buildings is considered well founded in this instance as:

- The proposed development is consistent with the underlying objective or purpose of the standard as demonstrated in **Section 3.1**.
- The proposed development will not exhibit any adverse visual impact and will not adversely impact on the amenity of adjoining Sites in relation to solar access, privacy or views. As noted in Section 3.3, the breach will not be highly visible within the public domain or surrounding properties.
- By adhering to the 11m development standard, the proposal would not marry with the adjoining built form, and therefore would result in an inconsistent and visually unpleasant design



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outcome, which consequently would have an unfavourable impact on the visual amenity of the Site when viewed from neighbouring properties and the public domain.

- Compliance with the remaining applicable development standards are achieved.

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#### **4 CONCLUSION**

It is requested that Council support the proposed variation to **Clause 4.3** of CLEP 2010 for the following reasons:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- There are sufficient environmental planning grounds to justify contravening the development standard.
- The proposal will support the use of the Site for employment and employment generating activities, and therefore will positively contribute to the local and regional economies by supporting the role of light industrial land uses, providing vital stability within the industry.
- No unreasonable environmental impacts are introduced as a result of the proposal.
- There is no public or material benefit in maintaining strict compliance with the standard.

Given the above justification provided above this **Clause 4.6** Variation is well founded and should be favourably considered.